FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.545 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Smt.Sumedha Rao for the petitioners.

Mr.K.K.Jadhav with Mr.V.K.Jadhav for Respondent no.2.

Coram : R.S.Mohite,J

Date : 8.3.2006.

PC

1. Heard both sides. The Advocate for respondent no.2 after taking instructions from the bank manager who is present in the Court, states that the amounts owing as of 28.2.2006 is Rs.7,38,930/-. The Advocate for the petitioners states that this amount will be deposited with respondent no.2-bank without prejudice to their rights and contentions to file an Appeal under Section 17 within a period of 4 weeks from today. This undertaking is given after taking instructions from the petitioners who are present in the Court. The

undertaking is accepted. In the circumstances, it is directed that only formal possession would be taken of the premises in question without physical evicting the petitioners and such physical eviction of the petitioners will not be effected for a period of 4 weeks from today. Upon the taking of formal possession, petitioners will be at liberty to file an appeal under Section 17 before the D.R.T. and to seek interim relief before the D.R.T. If the amount is deposited within a period of 4 weeks and if the appeal is filed before the D.R.T., during the pendency of the appeal before the D.R.T. the petitioners will not be physically evicted but it is further made clear that this deposit of money with respondent no.2 will be subject to any final order that may be passed by the D.R.T. in appeal. It is directed that if the full amount is deposited with respondent no.2 then the D.R.T. shall, under the proviso to Section 17 (2) of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, entertain the appeal without insisting on any deposit in the Court. Liberty to the parties to apply in case of any difficulty.

(R.S.Mohite,J)